IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
CIVIL APPLICATION NO.2183 OF 2005
IN
SECOND APPEAL NO.1563 OF 2005

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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CORAM: A.S.OKA, J.
DATED: APRIL 5, 2006.

P.C.:

1. Heard learned Counsel for the Applicant and learned Counsel for the Respondent No.1. The Respondent No.1 is the original Plaintiff in whose favour a decree has been passed. In view of this position, service of notice to the Respondent No.2 is not necessary.

2. As the Second Appeal is admitted for final hearing, decree passed by the Trial Court will have to be stayed. As the Courts below have recorded a finding that the Respondent No.1 is in possession of the suit property, he will have to restrained from creating third party interests in respect of the suit property.

3. Hence, I pass the following order :

i) Civil Application is allowed in terms of prayer clauses (a) and (b).

ii) It is clarified that the prayer clause (b) will operate only as against the Respondent No.1.

iii) There will be no order as to costs.

Judge.